

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
THE LAW OFFICES OF ERICA T. YITZHAK
AND ERICA T. YITZHAK, ESQ. P.C.,

Case No.: 2:24-cv-03552

Petitioner,

-against-

A F F I R M A T I O N

TROY LAMBE, MAX DIVERSIFIED INC.,
SUNRAY SOLAR INC., AND PAUL VERNER,

Respondents.

-----X

ERICA T. YITZHAK, an attorney licensed to practice law in the Courts of the
State of New York, under the penalties of perjury, affirms as follows:

1. Petitioners, The Law Offices of Erica T. Yitzhak and Erica T. Yitzhak Esq. P.C., are New York domestic professional corporations, with an address at 1 Linden Place, Suite 406, Great Neck, New York 11021 and are represented by The Weinstein Group, P.C.
2. Respondent and Judgment Debtor, Troy Lambe, is an individual, with a residential address of 246 S. Cooks Bridge Road, Jackson, New Jersey 08527.
3. Respondents and Judgment Debtors, Max Diversified Inc. and Sunray Solar Inc. are Domestic Corporations with a principal place of business at 246 S. Cooks Bridge Road, Jackson, New Jersey 08527.

4. Respondent, Paul Verner is an attorney employed by Verner Simon with a principal place of business at 30 Wall Street, 8th Floor, New York, New York, 10005.
5. A Judgment was duly entered in the matter of Erica T. Yitzhak, The Law Offices of Erica T. Yitzhak and Erica T. Yitzhak Esq. P.C. v. Troy Lambe, Max Diversified Inc., and Sunray Solar Inc., Index No: 612184/2022, in the Supreme Court of Nassau, State of New York on July 13, 2023. **Exhibit 1.**
6. The Judgment Debtors remain fully indebted to Petitioners in the amount of \$1,664,577.36 plus statutory interest in the amount of nine (9) percent per annum, from July 13, 2023, on said Judgment.
7. As of the date of the filing of this Petition, no payment has been made towards the satisfaction of this Judgment and the full amount remains outstanding.
8. There is evidence to support the claim that Paul Verner and/or Verner and Simon are maintaining funds of the Judgment Debtors in an attorney escrow or other special account.
9. This turnover matter was originally brought in the State Court of New York, however, Respondent Verner removed the same to this Honorable Court for adjudication. Since doing so, Verner has ignored discovery demands and this Court's Order for production of financial information regarding funds received and disbursed by him.
10. It is apparent that Attorney Paul Verner is in possession of a significant amount of funds belonging to the Judgment Debtors in the matter of Erica T.

Yitzhak, The Law Offices of Erica T. Yitzhak and Erica T. Yitzhak Esq. P.C. v. Troy Lambe, Max Diversified Inc., and Sunray Solar Inc., Index No: 612184/2022, in the Supreme Court of Nassau, State of New York on July 13, 2023.

11. Reluctantly, Respondent Verner provided some of his bank statements.

12. As is set forth therein, Verner received the sum of \$1,604,254.85. Further, Verner's bank statements demonstrate the distribution of \$917,699, as set forth below:

Payee	Disbursement	Income	Remainder Still in Account
		595,274.87	
		1,003,557.18	
		5,422.80	
Troy Lambe	285,000		
Janet Lambe	320,250		
Max Diversified	15,000		
Janet Lambe	185,000		
Verner	50,000		
Troy Lambe	62,449		
	917,699	1,604,254.85	
			686,555.85

13. This is directly supported in Verner's sworn declaration dated July 25, 2024,

Exhibit 2. In it, Verner avers: "16. In summary, the Exhibits A – K show the

receipt of the two settlement sums in 2016 and 2018, the disbursements to the clients of net settlement proceeds **after** deducting my attorneys' fees **and the fact that the amounts left in my bank accounts were earmarked for defense costs** in Yitzhak Defense Case and at least four other Lambe/Sunray defense cases." Emphasis supplied.

14. Thus, Verner confirms that there are funds remaining in his account which were not distributions set forth above, and are nowhere reflected on the bank statements provided by Verner.
15. Those funds in the amount of \$686,555.85 are subject to collection by Plaintiffs/Judgment-Creditors, and Plaintiffs herein request the Court to compel the transfer of those funds in partial satisfaction of Plaintiffs' Judgment.
16. The petitioners/Judgment Creditors are entitled to said monies being held by Attorney Paul Verner in the Escrow Account held by either him individually or by his employer Verner Simon.
17. The Petitioners are unable to levy said monies without an Order from this Court due to the fact that the funds sought are in the possession of either his individual escrow account or Verner Simon's Escrow Account.
18. The Petitioners are entitled to said monies to be paid to them in full or partial satisfaction of the unpaid Judgment against the Judgment-Debtors.
19. No previous application for the relief herein requested has been made.

WHEREFORE, your Petitioners respectfully prays for a Judgment and Order to be entered directing Respondent Verner, to pay over and deliver to the Petitioners any and all funds belonging to the Defendants that are currently being held in any Paul Verner and Verner Simon account or any personal account held by Attorney Paul W. Verner or business account held by Verner Simon equal to the Judgment amount of \$1,664,577.36 plus statutory interest in the amount of nine (9) percent per annum, from July 13, 2023 on said Judgment, or in such lesser amount as may be available, to wit: \$686,555.85, and for such other and further relief as to the court may seem just and proper.

//s// Erica Yitzhak
ERICA YITZHAK

Affirmed this September 30, 2024
Great Neck, New York